

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
September 11, 2002

ITEM: 10. A – G

SUBJECT: PUBLIC HEARINGS: Administrative Assessment for Civil Liability against six dischargers for failure to pay storm water annual fees in violation of California Water Code section 13260. If a discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (*Vicente Rodriguez*)

PURPOSE: To accept testimony from the public, the dischargers, and Regional Board staff regarding allegations and proposed assessment of civil liability contained in Complaint Nos. R9-2002-0190, 0191, 0193, 0194, 0199, and 0200. The Regional Board is being asked to consider adoption of tentative Order Nos. R9-2002-0284 to 0290. The Regional Board may rely on each complaint recommendation with or without modification or the Regional Board may reject the complaint or refer the matter to the Attorney General's Office.

PUBLIC NOTICE: The complaints were sent to parties on August 2, 2002 and posted on the Regional Board web page. The public hearings are also listed on this meeting's agenda which was mailed on August 23, 2002.

DISCUSSION: These dischargers have been grouped together for a series of hearings because all are for failure to pay annual fees associated with waste discharge requirements (including NPDES permits). Each discharger, however, is a separate item and, therefore, can be considered in separate hearing sessions.

Section 13260(d) of the California Water Code which requires that each person for whom waste discharge requirements have been prescribed pursuant to Water Code Section 13263 shall pay an annual fee according to a fee schedule established by the State Water Resources Control Board (State Board). The State Board issues invoices annually for WDRs and quarterly for industrial and construction stormwater permits.

According to the State Board Enforcement Policy, if the fee is not paid within 30 days of the due date, then the Regional Board

Executive Officer should issue an ACL complaint. The amounts of the proposed civil liabilities assessed in these complaints for nonpayment of fees vary depending on the year the fee was due and the number of years late. The proposed liability reflects a greater emphasis for the first 90 days after the fee was due (assessed at \$5 per day for the first 90 days and \$2 per day from 90 to 180 days late). The proposed liability is further reduced after the annual fee was delinquent longer than 180 days (\$1 per day for the remaining days over 180 days late). In addition to the requirement to pay the ACL amount, the discharger also remains responsible for payment of the invoiced annual fee(s).

The entities listed in Items A – G reflects these dischargers remaining after Regional Board expended considerable effort to have delinquent dischargers pay fees associated with their permits. These efforts included multiple late notices sent by the State Board, contact by Regional Board staff in person or by telephone, and letters from the Executive Officer requesting payment of late fees and warning dischargers that failure to pay fees will result in issuance of administrative civil liability.

As the Regional Board receives new information and/or payment of late fees and payment in settlement of the ACL prior to today's meeting some or all of the items may be removed from the Agenda.

LEGAL CONCERNS:	None.
SUPPORTING DOCUMENTS:	See item A-G.
RECOMMENDATIONS:	See item A-G.